

Introduced by Senator De León

February 24, 2012

An act to add Article 5 (commencing with Section 12230) to Chapter 4 of Part 2 of Division 2 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1427, as introduced, De León. State contracts: electronic goods: bid preference for refurbished electronics.

Existing law requires a state agency to meet certain requirements with respect to purchasing recycled products, as specified. Existing law requires a local public entity, if fitness and quality are equal, to purchase recycled products instead of nonrecycled products whenever recycled products are available, as specified, and authorizes a local public entity to give preference to suppliers of recycled products.

This bill would require a state agency that accepts bids or proposals for a contract for electronic goods to provide a preference of 5% to a company that offers to fulfill the contract with refurbished electronics, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 5 (commencing with Section 12230) is
- 2 added to Chapter 4 of Part 2 of Division 2 of the Public Contract
- 3 Code, to read:

Article 5. Refurbished Electronics Preference

12230. (a) Notwithstanding any other provision, any state agency that accepts bids or proposals for a contract for electronic goods shall provide a preference of 5 percent to a business that offers to fulfill the contract with refurbished electronics. The preference shall be provided as follows:

(1) For solicitations to be awarded to the lowest responsible bidder meeting specifications, the preference shall be 5 percent of the bid price of the lowest responsible bidder meeting specifications.

(2) For solicitations to be awarded to the highest scored bidder based on evaluation factors in addition to price, the preference shall be 5 percent of the total score of the highest responsible bidder.

(3) The preferences awarded pursuant to paragraph (1) or (2) shall not be awarded to a noncompliant bidder and shall not be used to satisfy any applicable minimum requirements.

(4) In order to be eligible for the 5-percent preference authorized pursuant to this section, a business shall submit all required substantiating documentation and information needed by the state agency to determine if the business is eligible for the preference.

(b) The Department of General Services shall establish a process to verify that a business meets the criteria for the 5-percent preference.

(c) This section shall not be construed to require a state agency to compromise its immediate mission or ability to function and carry out its existing responsibilities.